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2 **Board of Towing and Recovery Operators**

3

4 **Licensing and Regulatory**  
5 **Affairs Committee**

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8 **Working Paper**

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**October 30, 2007**

**Public Safety Regulations**

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1 **Purpose / Requirement for regulation**

2  
3 The Virginia Board for Towing and Recovery Operators is mandated in Section 46.2-  
4 2826 of the Code of Virginia to establish regulations required of Class A and Class B  
5 operators to provide public safety towing and recovery services. For the purposes of  
6 this section, “public safety towing and recovery services” shall be those towing and  
7 recovery and related services requested by a state or local law-enforcement agency.

8  
9 **24 VAC 27- 50 - 10. Definitions**

10  
11 The following words and terms when used in these regulations, by the Virginia Board  
12 for Towing and Recovery Operators, or the Board’s related documents, unless  
13 expressly stated otherwise, shall have the following meanings:

14  
15 **“Board”** or **“BTRO”** means the Virginia Board for Towing and Recovery Operators.

16  
17 **"Class A Operator"** means a towing and recovery business towing vehicles of an  
18 unlimited gross vehicle weight.

19  
20 **“Class B Operator”** means a towing and recovery business towing vehicles of a  
21 gross vehicle weight of 26,000 pounds or less.

22  
23 **"Driver"** means a person who drives or is in actual physical control of a tow truck. A  
24 driver shall have obtained an authorization document issued by the Board in order to  
25 drive a tow truck while providing towing or recovery services.

26  
27 **“Equipment”** means any tow truck, vehicle or related machinery or tools used to  
28 provide towing or recovery services.

29  
30 **"Gross vehicle weight"** means the aggregate weight of a vehicle and the load  
31 thereon.

32  
33 **“Gross vehicle weight rating”** means as defined in Section 46.2-341.4. of the  
34 Code of the Virginia.

35

1 **Law-enforcement officer**" means any officer authorized to direct or regulate traffic  
2 or to make arrests for violations of the Code of Virginia or local ordinances  
3 authorized by law relating to drivers or driving of motor vehicles.

4  
5 **"Operator"** means, for the purposes of these regulations, the same as "Towing and  
6 recovery operator", notwithstanding the provisions of §46.2-100, which defines  
7 operator differently.

8  
9 **"Public Safety Tow"** means requests for towing and recovery services made by a  
10 law enforcement officer of the county, city, or town, or by a State Police Officer within  
11 the county, city, or town pursuant to §46.2-1217 of the Code of Virginia. Additionally,  
12 it shall mean towing requests made by a law-enforcement officer at the request of  
13 the owner or operator of an unattended, abandoned, or immobile vehicle, when no  
14 specific service provider is requested by such owner or operator or if an unattended,  
15 abandoned, or immobile vehicle is located so as to impede the free flow of traffic on  
16 a public highway declared by resolution of the Commonwealth Transportation Board  
17 to be a portion of the interstate highway system.

18  
19 **"Private Property/Trespass Tow"** means requests for towing and recovery services  
20 made by the owner, operator or lessee of private property, or the authorized agent  
21 thereof, pursuant to the provisions of Article 3 of Chapter 12 of Title 46.2 of the Code  
22 of Virginia, or local ordinances adopted under that Article, or under contract between  
23 such person and a towing and recovery operator which specifies what tows are to be  
24 made from the property when a motor vehicle or vehicle or self propelled apparatus  
25 is on the property in violation of law or rules promulgated by the owner, operator, or  
26 lessee of the private property.

27  
28 **"Recovery"** means to bring a vehicle back to normal position or condition; i.e.; back  
29 to a position that would normally be used when in operation. **Ron**

30  
31 **"Responsible Individual"** means an individual identified through the Operator's  
32 licensure process who is designated by the operator to represent and be  
33 accountable for all aspects of licensure for the operator and who is either the

1 principal owner or chief executive officer of the business entity or manager or both of  
2 business operations for the operator.

3  
4 **“Tow”** means when the towing vehicle has engaged the towed vehicle by a physical,  
5 mechanical means which causes the towed vehicle to be lifted off of the ground, or  
6 moved for any distance whatsoever.

7  
8 **“Towing”** means to draw or pull along a vehicle behind licensed tow truck or haul a  
9 vehicle on a platform attached to a registered tow vehicle. **Ron**

10  
11 **“Towing and recovery operator”** means any person, including a business,  
12 corporation, or sole proprietor, offering services involving the use of a tow truck and  
13 services incidental to the use of a tow truck. Such shall include but not be limited to  
14 those engaged in the business of (i) removing disabled vehicles, parts of vehicles,  
15 their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring  
16 to the highway or other location where they either can be operated or removed to  
17 other locations for repair or safekeeping vehicles that have come to rest in places  
18 where they cannot be operated.

19  
20 **“Towing and Recovery Services”** means services offered by a business licensed  
21 as a public safety towing and recovery operator. Any person who in any way  
22 advertises himself as a towing and recovery operator or in any way conveys the  
23 impression that he is engaged in services of providing towing and recovery of  
24 vehicles shall be deemed to be engaged in towing and recovery services.

25  
26 **“Tow truck”** means a motor vehicle for hire (i) designed to lift, pull, or carry another  
27 vehicle by means of a hoist or other mechanical apparatus and (ii) having a  
28 manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck"  
29 also includes vehicles designed with a ramp on wheels and a hydraulic lift with a  
30 capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow  
31 truck" does not include any "automobile or watercraft transporter," "stinger-steered  
32 automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100 of  
33 the Code of Virginia.

34

1       **“Tow Truck Decal,” “Decal”** or similar words mean a Board issued decal to be  
2       affixed to the driver side door of a tow truck owned, leased or operated by a licensed  
3       towing and recovery operator.

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**24 VAC 27- 50 - 20. Fees**

In addition to fees required by 24VAC27-30-20 the following fees shall be applicable:

Certification Item	Fee
Initial Fee Structure/Application Fee,	\$50
Annual License Renewal	\$50
Annual tow truck decal, per vehicle	\$5
Late renewal (operator, or truck decal)	150 percent of renewal fee
Reinstatement following revocation or suspension of certification	\$1000
Verification of certification to another jurisdiction or government entity	\$25
Returned check	\$35
Duplicate copy of certification, or tow truck decal.	\$10

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A. All fees shall be nonrefundable.

B. Examination fees shall be determined by the Board.

**24 VAC 27- 50 - 30. General Requirements for Operators**

As a condition for licensure, all operators shall:

A. Be licensed and in good standing with the Virginia Board of Towing and Recovery Operators as a Class A or Class B Operator.

B. Provide the name of the individual or business entity under which the applicant intends to be certified. However, the applicant/certificant, at time of application and each renewal of license, shall provide the Board with any and all trade or fictitious names under which the operator conducts or offers towing and recovery

1 services.

2

3 C. Designate and advise the Board of the main or principal office and all additional  
4 satellite facilities and the physical addresses. Should such change, the Board  
5 shall be notified within 30 days such change occurs.

6

7 D. Designate a Responsible Individual who shall be knowledgeable of all applicable  
8 state, federal or local laws and regulations related to those public safety and  
9 incident management towing and recovery services offered or rendered by the  
10 operator, and who shall be responsible for assuring that the operator conforms to  
11 them.

12

13 E. List the principal owner's name or owners' names and the name of the  
14 Responsible Individual and of the principal manager and of all other individuals  
15 involved in the management and operation of the business on the application for  
16 license and advise the Board of any change of same.

17

18 F. Certify on the application whether any owner, manager, or other individual  
19 involved in the management or operation of the business entity, including the  
20 Responsible Individual, has been convicted of any criminal offense, whether  
21 felony or misdemeanor.

22

23 **24 VAC 27- 50 - 40. Training Requirements**

24

25 A. All public safety towing drivers and recovery supervisors shall attend an incident  
26 management seminar at least once every 3 years. **Defer all education material for**  
27 **Education Committee.**

28

29 B. Class A public safety towing drivers shall possess a national certification adequate  
30 for towing and recovery of trucks with a GVW of 26,001 lbs. or greater. Drivers shall  
31 attend and pass a minimum of 10 hours of continuing education every three years  
32 pertaining to the towing and recovery of trucks with a GVW of 26,001 lbs. or greater.  
33 Certification shall be by a professional training organization approved by the BTRO.  
34 Training shall consist of minimum of 5 hours classroom and 5 hours hands on  
35 training. Class A public safety towing drivers shall be grandfathered with a written

1 request to the BTRO from a licensed Class A public safety operator for the drivers  
2 first licensing period after July 1, 2008. A licensed Class A public safety operator  
3 with a written request to the BTRO can request a thirty day grace period for any  
4 Class A driver applicant.

5  
6 C. Class B public safety towing drivers shall possess a national certification adequate  
7 for towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Drivers shall  
8 attend and pass a minimum of 10 hours of continuing education every 3 years  
9 pertaining to the towing and recovery of vehicles with a GVW of 26,000 lbs. or less.  
10 Certification shall be by a professional training organization approved by the BTRO.  
11 Training shall consist of minimum of 5 hours classroom and 5 hours hands on  
12 training. Class A public safety towing drivers shall be grandfathered with a written  
13 request to the BTRO from a licensed Class A or Class B public safety operator for  
14 the drivers first licensing period after July 1, 2008. A licensed Class A or Class B  
15 public safety operator with a written request to the BTRO can request a thirty day  
16 grace period for any Class B driver applicant

17  
18 **24 VAC 27- 50 - 50. General Requirements for Office and Storage Area**

19  
20 As a condition for certification:

- 21  
22 A. The public safety tow operator shall have an office location for towing and  
23 storage. The office must be for the use of the towing operator and meet the  
24 following minimum criteria:
- 25  
26 1. Be at a permanent structure of at least 144 square feet and equipped for  
27 answering inquiries in person and via telephone, receiving mail so that  
28 business may be discussed out of the elements and where electricity and  
29 heat are available. The location may also have a storage facility located  
30 at the same address if permitted by local laws, ordinances, or regulations.  
31
  - 32 2. In jurisdictions where the public safety tow operator has a valid business  
33 permit to operate from their residence, the public safety tow operator  
34 must advertise the storage lot location where owners of vehicles towed or  
35 their agents may go to recover their vehicle. The storage lot must have

1 telephone, electricity and heat available and be a structure of a minimum  
2 144 square feet where business pertinent to the release of a vehicle may  
3 be conducted out of the adverse weather conditions.

4  
5 3. When the main office of the business is not located at the storage lot, the  
6 public safety tow operator must be able to respond to the lot when  
7 summoned by telephone to release a vehicle within one (1) hour of an  
8 owner calling the advertised number for the public safety tow operator.

9  
10 4. All signs and notices required to be posted at the main office must be  
11 posted at the remote office.

12  
13 5. If the mailing address for the public safety tow operator is a post office  
14 box, a street address must be listed on all advertisements, receipts and  
15 official or business related records.

16  
17 6. Business hours for the storage lots and main office, must be prominently  
18 posted at the street address so that it is visible from the portions of the  
19 property open to the public.

20  
21 7. The main office or storage lot, whether a private residence or commercial  
22 property must be open and manned for normal business between the  
23 hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except for state  
24 and federal Holidays recognized by the Commonwealth of Virginia. **Ron**  
25 **to add additional language**

26  
27 8. The “normal business hours may be shared between the remote storage  
28 lot and the main office if the business hours for each are posted at each  
29 location and are stated on the application to the Board of Towing and  
30 Recovery Operators. **Ron Miner**

31  
32 B. The towing company licensed as a public safety towing and recovery operator  
33 shall maintain and own or lease a dedicated storage area able to contain all  
34 public safety towed vehicles towed by the Operator. Storage area shall be fully  
35 enclosed by a commercial grade fence which is at least six feet tall, or enclosed

1 by a permanent structure, have adequate lighting and remain clear of debris.  
2 Storage area shall have a minimum of 1500 of square footage for Class B  
3 operators and a minimum of 3000 square footage for Class A operators.  
4 Licensed public safety operators shall not share storage lots with any other  
5 Operator unless the shared storage lot is divided by a stationary fence with a  
6 separate, locked entrance to each storage area.

7

8 C. The office and storage area shall meet or exceed all local and state code and  
9 zoning requirements.

10

11 D. Storage area shall be surfaced with stone, asphalt, permeable surface pavement,  
12 concrete or other similar product.

13

14 E. The towing company office and or storage facility of a towing company licensed  
15 as a public safety towing and recovery operator shall display a sign with the  
16 towing company name and phone number. Sign shall be visible and legible from  
17 a state, county or city maintained highway. Sign shall be at least 3' X 3' or as  
18 approved by local zoning.

19

20 F. The Public Safety License of a towing company licensed as a public safety  
21 towing and recovery operator shall be displayed at the business office and copies  
22 shall be displayed at all storage facilities and satellite offices.

23

24 G. The towing company licensed as a public safety towing and recovery operator  
25 will make the vehicle and or contents of vehicle available to the vehicle registered  
26 owner, namely, the person (1) who has vested ownership, dominion, or title to  
27 the vehicle; (2) is the authorized agent of the owner; (3) is an employee, agent,  
28 or representative of an insurance company representing any party involved in the  
29 collision that resulted in a public safety tow; or (4) is a person subject to a  
30 security interest in another person, is entitled to the use and possession of the  
31 vehicle, including a lessee under a lease intended as security only during normal  
32 business hours (8:00 a.m.-5:00 p.m., Monday through Friday). Towing company  
33 may charge a separate fee for this service if requested before or after the  
34 company's regular office hours, unless the local ordinance or contract under

1 which the towing company is operating precludes the imposition of this type of  
2 charge. **Mr. Beall**

- 3
- 4 H. The towing company licensed as a public safety towing and recovery operator  
5 shall make a reasonable attempt to provide covered storage or materials when  
6 necessary to protect the contents of vehicle in storage area from weather. The  
7 towing company may charge a separate reasonable fee for this service, unless  
8 the local ordinance or contract under which the towing company is operating  
9 precludes the imposition of this type of charge. **Mr. Beall**

10

11 **24 VAC 27- 50 - 60. General Requirements for Equipment - Ray Hodge to research.**

12

13 As a condition of certification:

- 14
- 15 A. Any tow truck of an operator licensed as a public safety towing and recovery  
16 operator responding to an accident scene shall be equipped with the following  
17 safety equipment:
- 18 1. United States Department of Transportation required fire extinguisher  
19 (5lb.)
  - 20 2. Reflective vest or gear shall be available in the truck. (NIMS Compliant  
21 or ANSI Rated) **Next Meeting**
  - 22 3. Two revolving and or flashing amber warning lights visible 360 degrees
  - 23 4. 5 lbs. of oil absorbent material
  - 24 5. Push broom
  - 25 6. Square tip shovel
  - 26 7. Two rear flood lights
  - 27 8. Flashlight
  - 28 9. Three road flares, or triangles or traffic cones.
  - 29 10. First Aid kit
  - 30 11. Two way communication (not CB or ham radio)
  - 31 12. Rear tow lights
  - 32 13. Factory manufactured and rated towing and/or recovery unit
  - 33 14. Container for debris removal.
  - 34 15. Proper grade of chain (#80) and strap **MIHRA or VATRO to provide**  
35 **language**

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B. Class B towing company licensed as a public safety towing and recovery operator shall own/lease a minimum of 1 towing/recovery truck with a minimum GVW of 10,000 lbs. and a recovery unit of a minimum rating of 8 tons. Unit shall have 2 winches and a boom that raises and lowers, extends and retracts by hydraulics. Unit must have a hydraulic operated wheel lift with a rating of 3500 lbs. Company shall also own/lease a rollback having a minimum GVW of 14,500 lbs. and a minimum deck length of 19'. **Use Ron's idea, with a five year window.**

C. Class A towing company licensed as a public safety towing and recovery operator shall own/lease a minimum of 2 towing/recovery trucks with a minimum GVW of 50,000 lbs. each and a recovery unit of a minimum rating of 30 tons. Unit shall have 2 winches rated at 25,000 lbs. each with a minimum of 150' of 5/8 wire rope. Unit must have a boom that raises and lowers, extends and retracts by hydraulics. Unit must have a hydraulic operated under lift rated to lift 12,000 lbs. at full extension.

D. Class A towing company licensed as a public safety towing and recovery operator shall own/lease or have a written agreement up to date and readily available for BTRO inspection with a subcontractor to provide the following equipment within a timely manner:

1. Lowboy hydraulic operated trailer capable of transporting a wrecked or disable road tractor and or debris
2. Box trailer 48' or longer
3. Dump truck, dump trailer or container
4. Air cushions capable of up righting a loaded tractor and trailer (80,000 lbs.).
5. A skid steer loader or forklift wheel loader capable of moving cargo and/or debris from the highway.
6. Adequate personnel to offload cargo
7. Tandem road tractor
8. Forklift
9. A rotator or crane with a minimum of 35 tons.

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E. A winch boom or under lift that does not have a factory manufacturer rating plate attached to it or that has been altered from it's original construction will not qualify for public safety towing unless unit has been certified to meet or exceed Board of Towing and Recovery Operator standards. Certification shall be done by a reputable testing facility regularly engaged in the testing of such equipment. All testing and/or certification cost shall be the responsibility of the towing company.

**24 VAC 27- 50 - 70. Public Safety Certification by Examination**

**Education Ad Hoc Committee**

**24 VAC 27- 50 - 80. Public Safety Certification by Endorsement**

**Education Ad Hoc Committee**

**24 VAC 27- 50 - 90. Standards of Practice**

Violations of any standard of practice set out in this section may be subject to Board disciplinary actions or sanctions, including suspension or revocation of an operator's license and imposition of civil penalties.

- A. Any tow truck operator licensed as a public safety towing and recovery operator summoned by a law enforcement officer who responds to a motor vehicle accident or incident shall possess a public safety license issued by the BTRO.
- B. Support personnel needed to clear an accident scene are encouraged but not required to be licensed or hold a drivers authorization by the BTRO. Support personnel shall qualify under Section 40 of these regulations.
- C. At least one BTRO driver's authorization holder or an operator licensed as a public safety towing and recovery operator shall be at the accident scene at all times during recovery.
- D. All of an operator licensed as a public safety towing and recovery operator places

1 of business, including their offices and storage facilities shall comply with any  
2 required state or local building or zoning laws or codes.

- 3
- 4 E. If required by the locality in which the operator licensed as a public safety towing  
5 and recovery operator designates as his principal place of business, an operator  
6 must maintain a valid business license from that locality.
- 7
- 8 F. Any operator licensed as a public safety towing and recovery operator  
9 permanently ceasing to provide towing and recovery services shall notify the  
10 Board in writing and return the Board issued operator's license for voluntary  
11 cancellation and termination within 15 days.
- 12
- 13 G. An operator licensed as a public safety towing and recovery operator must  
14 maintain the following proof of insurance; (i) **\$750,000** for Automobile Liability;  
15 (ii) **\$750,000** for Commercial General Liability; (iii) **\$50,000** for Garagekeepers  
16 Liability, (iv) **\$50,000** On Hook coverage, (v) Worker's Compensation as required  
17 by state and federal entities.
- 18
- 19 H. Any tow operator not licensed for Public Safety Towing, who arrives unsolicited  
20 at the scene of a motor vehicle accident or incident, or is in violation of sections I  
21 or J of this regulation, may have their license to tow revoked for a period not less  
22 than one calendar year from the date of offense or adjudication by the Board,  
23 which ever is longer. This shall in no way preclude other measures deemed  
24 appropriate and authorized by the Board from being imposed. **Ron Miner**
- 25
- 26 I. Public safety tow operators shall only respond to locations when it is specifically  
27 requested to do so by a law enforcement agency or official. If any tow operator  
28 responds to a scene without having been requested by a law enforcement  
29 agency or official, or the vehicle owner or a responsible authorized agent as  
30 defined in these regulations, the law enforcement official on the scene may direct  
31 the tow operator to leave even if that operator would have been called for the  
32 public safety tow in accordance with the applicable contract, memorandum of  
33 understanding or other local rotation list. In such instances, the law enforcement  
34 official reserves the right to direct the tow operator to provide services when

1 immediate assistance is necessary to protect persons, property or in the public  
2 interest. If the public safety agency requests a public safety tow operator to  
3 respond, but a tow operator requested by the vehicle's owner or responsible  
4 agent prior to the public safety request arrives first, or simultaneously, the public  
5 safety tow operator may be directed to leave the scene without collecting any  
6 fees at the discretion of the on-scene public safety official. Similarly, the tow  
7 operator requested by the owner may be directed to leave the scene if, in the  
8 sole discretion and judgment of the law enforcement official on the scene, the  
9 tow operator is not skilled or equipped to handle the situation. **Ron Miner**

10  
11 J. Whenever a public safety tow operator is requested to remove a vehicle and the  
12 owner of the vehicle or their authorized agent or driver is not at the scene at the  
13 time of the tow, the law enforcement agencies are encouraged by the Board to  
14 complete a locally prepared form that lists at a minimum the:

- 15  
16 -Owners name and address, if known  
17 -Description of the Vehicle and any visible prior damage  
18 -Storage facility name and address  
19 -Inventory of accessible contents of the vehicle  
20 -One copy should be given to the tow operator's driver, one copy to the  
21 owner of the vehicle and one retained by the law enforcement agency.

22 **Ron Miner**

23  
24  
25 **24 VAC 27- 50 - 100. Operating without Public Safety Certification**

26  
27 A. Should the Board, after investigation, determine an operator is engaged in or  
28 offering public safety towing and recovery services without a license, then, as  
29 authorized by §46.2-2808 of the Code of Virginia, the Board may bring an action  
30 in the name of the Commonwealth to enjoin any such violation of law, as well as  
31 any violations of these regulations, or Chapter 28 of Title 46.2 of the Code of  
32 Virginia.

33  
34 B. Those persons found to be engaged in or offering public safety towing and  
35 recovery services without a license may be subject to a Board imposed civil

1 penalty of up to \$1,000 for each violation pursuant to Va. Code §§46.2-2811 and  
2 46.2-2824.

3

4 C. Additionally, the Board may seek criminal prosecution for such a violation  
5 pursuant to Section 46.2-2812 of the Code.

6

7

8

**24 VAC 27- 50 - 110. Consumer Complaints**

9

10 **Gary Teter to research with help from Andy Alvarez.**

11

12

A. The Board's Executive Director or designated staff shall have the authority to  
13 initiate an expedited process to mediate and resolve complaints filed against  
14 those licensed or otherwise regulated by the Board according to guidelines  
15 developed by the Board.

16

17

B. Anonymous complaints received by the Board shall be handled in accordance  
18 with Board's policy and guidance documents.

19

20

21

**24 VAC 27-50 - 120. Renewal of Public Safety Certification**

22

23

A. All those licensed by the Board as a public safety towing and recovery operator  
24 shall, on or before June 30th of every year, submit a completed renewal  
25 application and pay the prescribed annual licensure fee.

26

27

B. It shall be the duty and responsibility of each licensee to assure that the Board  
28 has the licensee's current mailing address. All changes of mailing addresses or  
29 change of name shall be furnished to the Board within 30 days after the change  
30 occurs. All notices required by law or by these rules and regulations are to be  
31 deemed validly tendered when mailed to the address given by the licensee to the  
32 Board, and the licensee shall not be relieved of the obligation to comply with any  
33 notice so mailed if there has been a failure to notify the Board of changes.

34

35

C. The license of every operator licensed as a public safety towing and recovery  
36 operator who does not submit the completed form and fee or forms and fees,  
37 applicable, by June 30th of each year may be allowed to apply for renewal for up

1 to one year after that date by paying the prescribed renewal fee and late fee.  
2 However, if the renewal has not been submitted to the Board within 62 days after  
3 the June 30th due date, then on and after August 31st of that year the operator's  
4 license is lapsed. Engaging in towing and recovery services with a lapsed  
5 license constitutes operating without a license and may subject the licensee to  
6 disciplinary action and civil penalties imposed by the Board.

7

8 D. An operator licensed as a public safety towing and recovery operator whose  
9 license has been lapsed for more than one year and who wishes to resume  
10 providing services as a towing and recovery operator shall apply for a new  
11 operator's license.

12

13

14 **24 VAC 27- 50 - 130. Requirements for Continuing Education**

15

16 **Education Ad Hoc Committee**

17

18 ~~**24 VAC 27- 50 - 140. Requirements for Insurance**~~

19

20 \* \* \*Move back to the standards of practice.

21

22 **Captain Chumley**